

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE COMMISSION,**

**Plaintiff,**

**-against-**

**BERTON M. HOCHFELD, AND  
HOCHFELD CAPITAL MANAGEMENT, LLC**

**Defendants.**

**-and-**

**HEPPELWHITE FUND, LP,**

**Relief Defendant**

USDC SDNY  
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DOC #:  
DATE FILED: 6/21/13

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: ORDER

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The Court having entered a judgment herein restraining all property possessed by Defendants Berton M. Hochfeld, Hochfeld Capital Management, LLC and Relief Defendant Heppelwhite Fund, LP on November 14, 2012; and

Katherine Blair (hereinafter "Intervenor Katherine Blair") having made a motion to intervene in this matter on April 12, 2013; and

Intervenor Katherine Blair having entered into a settlement agreement with Defendants Berton M. Hochfeld and Relief Defendant Heppelwhite Fund, LP which resolves all claims Intervenor Katherine Blair has with respect to certain property possessed by Defendant Berton M. Hochfeld, which property was restrained by this Court's November 14, 2012 judgment; and

The Defendants Berton M. Hochfeld and Hochfeld Capital Management, LLC and Relief Defendant Heppelwhite Fund, LP having moved the Court on May 16, 2013 to vacate in part the November 13, 2012 judgment herein so as to permit the Defendants and Intervenor Katherine Blair to settle their dispute with notice to and approval of all parties to this action; and

Intervenor Katherine Blair and the Plaintiff Securities and Exchange Commission having no objection to the motion to vacate the judgment in part; and

Intervenor Katherine Blair having agreed to withdraw her motion to intervene in the event that the Defendants' motion to vacate in part the November 14, 2012 judgment is granted; and

Good cause appearing to grant the Defendants' motion to vacate in part the November 14, 2012 judgment;

NOW, THEREFORE, IT IS ORDERED THAT the motion to vacate in part the Court's November 14, 2012 judgment is GRANTED, and the Court's November 14, 2012 judgment is vacated only to the following extent:

The restraint on all items listed on Exhibit A to this Order is hereby removed, in order to permit Defendant Berton M. Hochfeld to return said items to Katherine Blair as provided in their settlement agreement; and

The restraint on all items listed on Exhibit B to this Order is hereby removed, in order to permit said items to be sold by Christie's, Inc. as provided in the settlement agreement between Defendant Berton M. Hochfeld and Katherine Blair; and

IT IS FURTHER ORDERED THAT Katherine Blair's motion to intervene in this matter is withdrawn because it is mooted by the settlement between Berton M. Hochfeld and Katherine Blair.

Dated: June 20, 2013

*The Clerk of the Court is directed to terminate the motion to intervene (DKt. No. 9) and the motion to vacate the judgment in part (DKt. No. 15).*

IT IS SO ORDERED:

*Paul G. Gardephe*  
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HON. PAUL G. GARDEPHE  
U. S. D. J.

## **EXHIBIT A**

EXHIBIT A

**Katherine Blair**

P.O. Box 806  
Hammond La. 70401  
985-345-4595

11-08-2012

Ref; Bert Hochfeld accounts receivable. Balance on 11-1-2012 \$310,348.10

List of unpaid purchases at actual selling price.

March 5 -2012

Framed watercolors by Frank F. Gardiner

'American Whaler' \$3,650.00

'Black Prince' \$3,650.00

English Regency Stool [ includes custom reupholstery to client request \$4,750.00

Shipped UPS to Hochfeld home total of this invoice \$12,000.00

March 5-2012 Invoice for expenses incurred for two business trips to Hochfeld residence [ agreed to by Bert & Beth] includes truck rentals, airfare, allied expenses  
To assist and advise on sales of Hochfeld collection \$8,723.00  
8,723.00

Dec 15,2011 list of purchases shipped by Kid Gloves Shipping [ N.O. La. ] and signed for;

1. July 15, 2011, an Antique French Ormolu and Bronze Chandelier, Napoleon III c.1830  
\$11,250.00

2. July 19, 2011, finely woven antique Ivory background Tabriz rug with  
accent colors of blue, pale blue, coral, madder, and pale green.1' 10" x 10' 4"  
\$4,150.00

3. August 6, 2011, A Napoleon III Empire Bronze & Rouge Urn shaped base w/winged  
mythological figures atop a pair of Candelabra, 6 armed 11"w 27 1/4"h 12"d  
\$21,325.00

4. 10 Dec 2011, Matching Napoleon III Bronze and Rouge Subject Clock,, eagle of Zeus  
and relief of warrior frieze on horseback along the base, with bronze figure of the poet  
Anacreon [ 570 - 488 B.C. ] atop.  
This completes the set with the above candelabra.  
\$19,300.00

5. 10 Dec 2011, Custom built modern base of mahogany and flamed mahogany veneer  
\$ 900.00

6.10 Dec 2011, A fine early Geo II. Period walnut wing chair, the cabriole legs have  
shell carvings to the knees with claw and ball feet, reupholstered to B. Hochfeld

Instructions. English Circa. 1735. Price reflects reupholstering  
\$58,950.00

7. Patkong English 4 post side winding King corkscrew c.1800-20

\$6,500.00

8. Edward Catterill of Birmingham Patent continuous motion 'Independence' patent  
corkscrew

c.1842	\$ 3,500.00
Total this invoice	\$127,075.00

15 Dec 2010. A Geo Hird Mahogany breakfront bookcase special ordered for client  
from England at Hochfeld direction and delivered and set up by Gander & White  
shippers, Queens New York to Hochfeld home, Stamford Ct. total \$143,000.00

1 May 2010 Large purchase [delivered by Blair and signed for] partial list of unpaid for  
items [estimated] to meet accounts receivable balance,

Item #7 Persian Serapi Oriental carpet	\$36,000.00
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Total of unpaid purchases [ Blue Totals ]	\$326,798.10
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Enclosed see copies of invoices, delivery receipts, accounts receivable statement

**EXHIBIT B**

EXHIBIT B

**Katherine Denny Blair**  
**& Associates**  
704 West Charles Street  
Hammond, Louisiana 70401  
985-320-4266

Fine English and American Furniture, Oriental Rugs,  
Silver, Wine related Antiques  
And Works of Art

9 Nov, 2011

Mr Berton Hochfeld  
631 Long Ridge Rd # 53  
Stamford Ct. 06902-1264

Hi Bert,

I enjoyed our phone conversation last evening and am happy that the chair covering and delivery seem to be finally coming along. I really am looking forward to seeing you in December to complete the delivery.

Here is the list of new purchases for your insurance coverage.

15 July 2011, an Antique French Ormolu and Bronze Chandelier, Napoleon III c.1830 \$11,250.00

19 July 2011, finely woven antique Ivory background Tabriz rug  
accent colors of blue, pale blue, coral, madder, and pale green. 1' 10" x 10' 4" \$4,150.00

6 August 2011, A Napoleon III Empire Bronze & Rouge Urn shaped base w/winged mythological figures atop  
Candelabra, 6 armed 11" w 27 1/2" h 12" d \$21,325.00

awaiting our delivery for December 10<sup>th</sup>.

Matching Napoleon III Bronze and Rouge Subject Clock, eagle of Zeus and relief of warrior frieze on horseback along  
the base, with bronze figure of the poet Anacreon [ 570 – 488 B.C. ] atop.

This completes the set with the above candelabra. \$19,300.00  
Custom built modern base of mahogany and flamed mahogany veneer \$ 900.00

A fine early Geo II nd. period walnut wing chair, the cabriole legs have shell carvings to the knees with claw and ball  
feet, reupholstered to B. Hochfeld. English Circa. 1735. price reflects reupholstering \$58,950.00

Sincerely

Katherine Blair

All sales final unless otherwise stated in writing. The items described above shall remain the property of Katherine Blair  
And title shall not pass to purchaser named above until the full purchase price and applicable taxes are paid in full and a receipt is issued and signed by a representative of this  
organization. All shipping and related costs including court costs and up to 15% of purchase price as legal fees incurred in recovery for nonpayment will be born by the purchaser